

Message Text

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PAGE 01 KUALA 04205 131338Z
ACTION L-03

INFO OCT-01 EA-10 ISO-00 CA-01 JUSE-00 SNM-05 /020 W
-----096433 131350Z /41

R 120838Z MAY 78
FM AMEMBASSY KUALA LUMPUR
TO SECSTATE WASHDC 4229
DEA HQS WASHDC
INFO AMCBASSY BANGKOK
AMEMBASSY SINGAPORE
AMCONSUL HONG KONG
DEA SANFRANCISCO DTK
DEA LOS ANGELES DO

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POSTS PASS DEA

HONG KONG ALSO FOR LEGAL ATTACHE

HQS PASS ENOF

E. O. 11652: N/A
TAGS: SNAR, PDIP, MY
SUBJ: EXTRADITION: CHUA HAN MOW WE-71-0006 DA4H1

43*: A) KUALA LUMPUR 3406, B) KUALA LUMPUR 2817

1. ON MAY 12 KUALA LUMPUR SESSIONS COURT MAGISTRATE
HARWANTH KAUR ORDERED CHUA HAN MOW TURNED OVER TO USG
AUTHORITIES FOR EXTRADITION TO THE UNITED STATE TO
STAND TRIAL IN THE DISTRICT COURT FOR THE NORTHERN
DISTRICT OF CALIFORNIA. CHUA'S ATTORNEY KARPAL SINGH
INDICATED HE WILL APPEAL THE DECISION (ON A WRIT OF
HABEAS CORPUS) TO THE HIGH COURT WITHIN FIFTEEN DAYS
AS PROVIDED FOR IN THE MALAYSIAN EXTRADITION
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ORDINANCE. THE HIGH COURT APPEAL OF THE APRIL 7
SESSION SCOURT DECISION TO TURN CHUA OVER TO THE
USG FOR TRIAL IN THE DISTRICT COURT FOR THE EASTERN
DISTRICT OF NEW YORK WILL BE HEARD BEGINNING MAY 29.
DEPUTY PUBLIC PROSECUTOR MOHD. SHAFEE ABDULLAH
HAS TOLD US HE WILL APPLY TO JOIN BOTH THE NEW YORK
AND CALIFORNIA CASES IN THE MAY 29 APPEAL HEARING;

BOTH SHAFEE AND OUR ATTORNEY RASHID MANAF EXPECT THE APPLICATION TO BE GRANTED.

2. THE SESSION SCOURT HEARING IN THE CALIF CASE WAS REMARKABLY QUICKER THAN THE HEARING FOR THE NEW YORK CASE, TAKING A TOTAL OF ONLY THREE SESSIONS. CONTRARY TO OUR EARLIER EXPECTATION, (REFTEL A, PARA 2), THE DEFENSE AGAIN RAISED MANY OF THE SAME CONSTITUTIONAL ISSUES BROUGHT UP IN THE NEW YORK CASE. THE MAJOR DIFFERENCE IS THAT THE DEFENSE ATTORNEY TRIED TO IMPEACH THE CREDIBILITY OF THE AFFIDAVITS OF THE TWO DEA AGENTS USE IN THE CASE BY PORTRAYING THE TWO MEN AS "UNRELIABLE AGENTS PROVOCATEURS." MANISTRATE HARWANTH KAUR RENDERED HER OPINION IMMEDIATELY AFTER EACH SIDE MADE IST SUMMARY STATEMENTS, BUT SHE HAS NOT YET HANDED DOWN HER WRITTEN JUDGEMENT. WE WILL REPORT FURTHER WHEN WE HAVE RECEIVED A COPY OF THE JUDGEMENT.

3. CONCERNING WHEN CHUA MIGHT BE TURNED OVER TO THE USG, WE DO NOT YET KNOW HOE LUNG THE HIGH COURT APPEAL OF THESE TWO SESSIONS COURT DECISION WILL TAKE. AFTER THE HIGH COURT DECISION IS MADE, IS IS POSSIBLE THAT EITHER THE DEFENSE OR THE PROSECUTION COULD APPEAL FURTHER TO THE FEDERAL COURT, AGAIN A PROCESS WHOSE LENGTH WE HAVE NO LIMITED OFFICIAL USE

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WAY OF ESTIMATEING. IT IS CLEAR FROM THE EXTRADITION ORDINANCE, THOUGH, THAT WE WILL HAVE FIFTEEN DAYS FROM A FINAL DECISION IN WHICH TO MAKE PREPARATIONS FOR RETURNING CHUA TO THE UNITED STATES.
MILLER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EXTRADITION
Control Number: n/a
Copy: SINGLE
Draft Date: 12 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978KUALA04205
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780203-0961
Format: TEL
From: KUALA LUMPUR
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780565/aaaacdbn.tel
Line Count: 99
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: a5db16a0-c288-dd11-92da-001cc4696bcc
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2709360
Secure: OPEN
Status: NATIVE
Subject: EXTRADITION: CHUA HAN MOW WE-71-0006 DA4H1 43*: A) KUALA LUMPUR 3406, B) KUALA LUMPUR 2817
TAGS: SNAR, PDIP, MY, (CHUA HAN MOW)
To: STATE DEA
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/a5db16a0-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014